

REMARKS

Claims 1-4 are pending in this application.

Double Patenting Issues

Claim 1 has been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of co-pending Application No. 10/254,598 (US 2003/0099900 A1, the '598 Application) in view of Urano '759 (USP 5,976,759).

Claim 1 has been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of co-pending Application No. 10/233,519 (US 2003/0114589 A1, the '519 Application) in view of Urano '759.

Claim 1 has been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of co-pending Application No. 10/084,182 (US 2002/0164540 A1, the '182 Application) in view of Urano '759.

Request that "Provisional" Double Patenting Rejections Be Withdrawn

It is requested that all of the above-noted "provisional" double patenting rejections be withdrawn so that the present application be allowed to grant as a patent. First, please note that the present application has the earliest effective U.S. filing

date. Second, please note that MPEP 822.01 states that if the provisional double patenting rejection is the only outstanding rejection remaining in an application, this type of rejection should be removed to allow the application to grant as a patent which will then allow the Examiner the option of converting the double patenting rejection in the other co-pending applications into double patenting rejections which are not "provisional". It is submitted for the reasons stated below that all other rejections have been overcome and should be removed. Consequently, it is additionally required that all of these provisional double patenting objections be withdrawn.

Issues Regarding Common Ownership and Rejection under 35 U.S.C. § 103(a)

Claim 1 has been indicated to be directed to an invention "not patentably distinct" from: [1] claims 1-2 of the '598 Application; [2] claim 4 of the '519 Application; and [3] claim 4 of the '182 Application.

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being obvious over Uetani '220 (USP 6,548,220) in view of Nakamura '656 (USP 6,514,656).

With regard to the above-noted indication of an absence of "patentable distinctness" from the above-identified co-pending

applications, it is respectfully submitted that the assignee of the present application, i.e. Sumitomo Chemical Co. Limited, was the owner of the inventions of all of these co-pending applications and was the owner of the inventions of the present application, at the time that the invention for all of these applications were made. It is also noted that all of these applications, including the present application, include assignments to Sumitomo Chemical Company, Limited. It is submitted that this statement properly establishes common ownership pursuant to MPEP § 706.02(l)(2) and the guidelines described in 1241 O.G. 96 (December 26, 2000).

It is further submitted that the assignee of the present application was the owner of the invention of Uetani '220 along with the invention of the present application, at the time that these inventions were made. This establishes common ownership with regard to Uetani '220 as well.

In view of the above-noted statements of common ownership, it is submitted that all of the above-noted issues concerning an asserted absence of "patentable distinctness" with regard to all co-pending applications, as well as with regard to the rejection under 35 U.S.C. § 103(a) base on Uetani '220, have been removed. Consequently, it is submitted that all of these issues have been resolved such that any potential rejections in connection with these issues should be withdrawn.

In addition to the above, it is submitted that since Uetani '220 has been removed as an effective prior art reference, the rejection under 35 U.S.C. § 103(a) has effectively been removed, since the Nakamura '656 document cannot support this rejection alone.

It is submitted for the reasons stated above that all of the outstanding issues and rejections have been resolved such that the present application should now be placed into condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

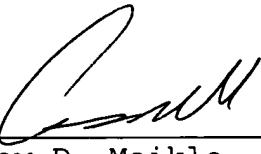
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 10/046,742

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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